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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,956	03/12/2001	Dimitris K. Agrafiotis	I503.0200006	7862
7590	07/14/2004		EXAMINER	
Vicki G. Norton PILLSBURY WINTHROP LLP 11682 El Camino Real Suite 100 San Diego, CA 92130-2092			BRODA, SAMUEL	
			ART UNIT	PAPER NUMBER
			2123	
			DATE MAILED: 07/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/802956

EXAMINER

ART UNIT

PAPER

200407

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Enclosed is a Notice of Non-Responsive Amendment having a one-month reply period.

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Art Unit: 2123

NOTICE OF NON-RESPONSIVE AMENDMENT

1. This communication is in response to Applicants' Amendment and Response to Office Action (the "Amendment") mailed on 12 April 2004. Claims 1 and 2 were canceled; claims 3-23 were amended and are pending..
2. The Amendment mailed on 12 April 2004 is not fully responsive to the First Office Action on the Merits (having mailing date of 11 December 2003), because of the following omission(s) or matter(s):

2.1 The Amendment adds new claims 3-23 but the "Remarks" appearing on pages 7-9 contain no attempt to point out the patentable novelty of the newly-added claims. See MPEP §§ 714.04 and 714.02, and 37 CFR 1.111(b), which states in-part (emphasis added):

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. **The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.**

2.2 Additionally, Applicants state at page 8 paragraph 1 of the Amendment that "The amendment does not, however, constitute an admission regarding the patentability of the amended subject matter and should not be so construed." This statement does not appear to make sense and could be interpreted to contradict the portion of Rule 111 quoted above.

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3. Since the above-mentioned Amendment appears to be *bona fide*, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (703) 305-1026. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.



SAMUEL BRODA, ESQ.
PRIMARY EXAMINER

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